

Trials and Proofs of Guilt in Superstitious Ages

THE strange trials to which those suspected of guilt were put in the middle ages, conducted with many devout ceremonies, by the ministers of religion, were pronounced to be the *judgments of God!* The ordeal consisted of various kinds: walking blindfold amidst burning ploughshares; passing through fires; holding in the hand a red-hot bar; and plunging the arm into boiling water: the popular affirmation—"I will put my hand in the fire to confirm this," appears to be derived from this sole custom of our rude ancestors. Challenging the accuser to single combat, when frequently the stoutest champion was allowed to supply their place; swallowing a morsel of consecrated bread, sinking or swimming in a river for witchcraft; or weighing a witch; stretching out the arms before the cross, till the champion soonest wearied dropped his arms, and lost his estate, which was decided by this very short chancery suit, called the *judicium crucis*. The bishop of Paris and the abbot of St. Denis disputed about the patronage of a monastery: Pepin the Short, not being able to decide on their confused claims, decreed one of these judgments of God, that of the Cross. The bishop and abbot each chose a man, and both the men appeared in the chapel, where they stretched out their arms in the form of a cross. The

spectators, more devout than the mob of the present day, but still the mob, were piously attentive, but *betted*, however, now for one man, now for the other, and critically watched the slightest motion of the arms. The bishop's man was first tried:—he let his arms fail, and ruined his patron's cause for ever. Though sometimes these trials might be eluded by the artifice of the priest, numerous were the innocent victims who unquestionably suffered in these superstitious practices.

From the tenth to the twelfth century they were very common. Hildebert, bishop of Mans, being accused of high treason by our William Rufus, was prepared to undergo one of these trials; when Ives, bishop of Chartres, convinced him that they were against the canons of the constitutions of the church, and adds, that in this manner *Innocentiam defendere, est innocentiam perdere*.

An abbot of St. Aubin of Angers, in 1066, having refused to present a horse to the Viscount of Tours, which the viscount claimed in right of his lordship, whenever an abbot first took possession of that abbey; the ecclesiastic offered to justify himself by the trial of the ordeal, or by duel, for which he proposed to furnish a man. The viscount at first agreed to the duel; but, reflecting that these combats, though sanctioned by the church,

depended wholly on the skill or vigour of the adversary, and could therefore afford no substantial proof of the equity of his claim, he proposed to compromise the matter in a manner which strongly characterizes the times; he waived his claim, on condition that the abbot should not forget to mention in his prayers himself, his wife, and his brothers! As the *orisons* appeared to the abbot, in comparison with the *horse*, of little or no value, he accepted the proposal.

In the tenth century the right of representation was not fixed: it was a question, whether the sons of a son ought to be reckoned among the children of the family; and succeed equally with their uncles, if their fathers happened to die while their grandfathers survived. This point was decided by one of these combats. The champion in behalf of the right of children to represent their deceased father proved victorious. It was then established by a perpetual decree that they should thenceforward share in the inheritance, together with their uncles. In the eleventh century the same mode was practised to decide respecting two rival *Liturgies!* A pair of knights, clad in complete armour, were the critics to decide which was the authentic and true Liturgy.

If two neighbours, say the capitularies of Dagobert, dispute respecting the boundaries of their possessions, let a piece of turf of the contested land be dug up by the judge, and brought by him into the court, and the two parties shall touch it with the points of their swords, calling on God as a witness of their claims;—after this let them *combat*, and let victory decide on their rights!

In Germany, a solemn circumstance was practised in these judicial combats. In the midst of the lists, they placed a *bier*.—By its side stood the accuser and the accused; one at the head and the other at the foot of the bier, and leaned there for some time in profound silence, before they began the combat.

Mr. Ellis, in his elegant preface to Way's *Fabliaux*, shows how faithfully the manners of the age are painted in these ancient tales, by observing the judicial combat introduced by a writer of the fourteenth century, who in his poem represents Pilate as challenging Jesus Christ to *single combat*, and another who describes the person who pierced the side of Christ as *a knight who jostled with Jesus*.

Judicial combat appears to have been practised by the Jews. Whenever the rabbins had to decide on a dispute about property between two parties, neither of which

could produce evidence to substantiate his claim, they terminated it by single combat. The rabbins were impressed by a notion that consciousness of right would give additional confidence and strength to the rightful possessor. This appears in the recent sermon of a rabbin. It may, however, be more philosophical to observe that such judicial combats were more frequently favourable to the criminal than to the innocent, because the bold wicked man is usually more ferocious and hardy than he whom he singles out as his victim, and who only wishes to preserve his own quiet enjoyments:—in this case the assailant is the more terrible combatant.

In these times those who were accused of robbery were put to trial by a piece of barley-bread, on which the mass had, been said; and if they could not swallow it, they were declared guilty. This mode of trial was improved by adding to the *bread* a slice of *cheese*; and such was their credulity and firm dependence on Heaven in these ridiculous trials, that they were very particular in this holy *bread* and *cheese* called the *corsned*. The bread was to be of unleavened barley, and the cheese made of ewe's milk in the month of May.

Du Cange observed, that the expression,—“May this piece of bread choke me!” comes from this custom. The anecdote of Earl Godwin's death by swallowing a piece

of bread, in making this asseveration, is recorded in our history. If it be true, it was a singular misfortune.

Amongst the proofs of guilt in superstitious ages was that of the *bleeding of a corpse*. If a person was murdered, it was believed that at the touch or approach of the murderer the blood gushed out of the body in various parts. By the side of the bier, if the slightest change was observable in the eyes, the mouth, feet, or hands of the corpse, the murderer was conjectured to be present, and many innocent spectators must have suffered death; “for when a body is full of blood, warmed by a sudden external heat and a putrefaction coming on, some of the blood-vessels will burst, as they will all in time.” This practice was once allowed in England, and is still looked on in some of the uncivilized parts of these kingdoms as a detection of the criminal. It forms a rich picture in the imagination of our old writers; and their histories and ballads are laboured into pathos by dwelling on this phenomenon.

Robertson observes that all these absurd institutions were cherished from the superstitions of the age believing the legendary histories of those saints, who crowd and disgrace the Roman calendar. These fabulous miracles had been declared authentic by the bulls of the popes and the decrees of councils; they were greed-

ily swallowed by the populace; and whoever believed that the Supreme Being had interposed miraculously on those trivial occasions mentioned in legends, could not but expect his intervention in matters of greater importance when solemnly referred to his decision. Besides this ingenious remark, the fact is, that these customs were a substitute for written laws, which that barbarous period had not; and as no society can exist without *laws*, the ignorance of the people had recourse to these *customs*, which, bad and absurd as they were, served to close controversies which might have given birth to more destructive practices. Ordeals are in truth the rude laws of a barbarous people who have not yet obtained a written code, and not advanced enough in civilization to enter into the refined inquiries, the subtle distinctions, and elaborate investigations which a court of law demands.

We may suppose that these ordeals owe their origin to that one of Moses, called the "Waters of Jealousy." The Greeks likewise had ordeals, for in the *Antigonus* of Sophocles, the soldiers offer to prove their innocence by handling red-hot iron, and walking between fires. One cannot but smile at the whimsical ordeals of the Siamese. Among other practices to discover the justice of a cause, civil or criminal, they are particularly

attached to using certain consecrated purgative pills, which they make the contending parties swallow. He who *retains* them longest gains his cause! The practice of giving Indians a consecrated grain of rice to swallow is known to discover the thief, in any company, by the contortions and dismay evident on the countenance of the real thief.

But to return to the middle ages.—They were acquainted in those times with *secrets* to pass unhurt these singular trials. Voltaire mentions one for undergoing the ordeal of boiling water. Our late travellers in the East have confirmed this statement. The Mevleeh dervises can hold red-hot iron between their teeth. Such artifices have been often publicly exhibited at Paris and London. Mr. Sharon Turner observes on the ordeal of the Anglo-Saxons, that the hand was not to be immediately inspected, and was left to the chance of a good constitution to be so far healed during three days (the time they required to be bound up and sealed, before it was examined) as to discover those appearances when inspected, which were allowed to be satisfactory. There was likewise much preparatory training, suggested by the more experienced; besides the accused had an opportunity of *going alone into the church*, and making *terms* with the *priest*. The few *spectators* were always *dis-*

tant; and cold iron, &c., might be substituted, and the fire diminished at the moment, &c.

Doubtless they possessed these secrets, and medications, which they had at hand, to pass through these trials in perfect security. Camerarius, in his “*Horæ Subscecivæ*,” gives an anecdote of these times which may serve to show their readiness. A rivalry existed between the Austin-friars and the Jesuits. The father-general of the Austin-friars was dining with the Jesuits; and when the table was removed, he entered into a formal discourse of the superiority of the monastic order, and charged the Jesuits, in unqualified terms, with assuming the title of “*fratres*,” while they held not the three vows, which other monks were obliged to consider as sacred and binding. The general of the Austin-friars was very eloquent and very authoritative:—and the superior of the Jesuits was very unlearned, but not half a fool.

He did not care to enter the list of controversy with the Austin-friar, but arrested his triumph by asking him if he would see one of his friars, who pretended to be nothing more than a Jesuit, and one of the Austin-friars who religiously performed the aforesaid three vows, show instantly which of them would he the reader to obey his superiors? The Austin-friar consented.

The Jesuit then turning to one of his brothers, the holy friar Mark, who was waiting on them, said “Brother Mark, our companions are cold. I command you, in virtue of the holy obedience you have sworn to me, to bring here instantly out of the kitchen-fire, and in your hands, some burning coals, that they may warm themselves over your hands.” Father Mark instantly obeys, and to the astonishment of the Austin-friar, brought in his hands a supply of red burning coals, and held them to whoever chose to warm himself; and at the command of his superior returned them to the kitchen-hearth. The general of the Austin-friars, with the rest of his brotherhood, stood amazed; he looked wistfully on one of his monks, as if he wished to command him to do the like. But the Austin monk, who perfectly understood him, and saw this was not a time to hesitate, observed,—“Reverend father, forbear, and do not command me to tempt God! I am ready to fetch you fire in a chafing-dish, but not in my bare hands” The triumph of the Jesuits was complete; and it is not necessary to add, that the *miracle* was noised about, and that the Austin-friars could never account for it, notwithstanding their strict performance of the three vows!